

**AUCTIONEER BOARD
MADISON, WISCONSIN
SEPTEMBER 25, 2000**

PRESENT: Robert Brandau, Marie Kohlbeck, Richard Lust, Robert Massart, Mark Shain, and Marie Skic-Loy; Ronald Bast (by telephone)

STAFF PRESENT: Cletus Hansen, Bill Dusso, and Jan Neitzel; Division of Enforcement staff were present for portions of the meeting

CALL TO ORDER

The meeting was called to order at 9:25 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of 7 members was present.

AGENDA

A case closing and two stipulations were added to the agenda.

MOTION: Mark Shain moved, seconded by Marie Kohlbeck, to adopt the agenda as amended. Motion carried unanimously.

MINUTES (7/24/00)

MOTION: Marie Skic-Loy moved, seconded by Bob Brandau, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Cletus J. Hansen

- Roster

Marie Kohlbeck made a change to her address.

Mark Shain will send his e-mail address to Clete Hansen.

- Meeting Dates For 2000 and 2001

The Board received a copy of the 2000 and 2001 meeting dates.

Clete Hansen noted that there may not be a December 11, 2000, board meeting and that he will let the Board know closer to the scheduled date.

LEGISLATIVE UPDATE

Clete Hansen discussed his September 20, 2000, memo relating to a panel discussion at the Board Member Workshop on July 14, 2000. Legislators offered suggestions for successfully obtaining legislation.

Temporary Registration

The Board discussed combining the following three proposed bills into one bill: abbreviating “registered Wisconsin auctioneer,” calling an auction if under the age of 18 and under the supervision of a registered auctioneer, and elimination of temporary registration.

MOTION: Bob Massart moved, seconded by Marie Skic-Loy, to request that the proposed bills, calling an auction if under the age of 18, abbreviation of “registered Wisconsin auctioneer,” and the elimination of temporary registration, be combined into one bill. Motion carried unanimously.

ADMINISTRATIVE RULES

Auction-Related Services While Suspended or Revoked

Clete Hansen explained that 2 changes were made to RL 126.03, Wisconsin Administrative Code, in response to the recommendations in the Clearinghouse Report

The Board discussed the changes suggested by the departmental staff.

MOTION: Mark Shain moved, seconded by Marie Kohlbeck, to endorse the department’s draft of revisions to RL 126.03, Wis. Admin. Code. Motion carried unanimously.

TEMPORARY REGISTRATION CERTIFICATES AND STATISTICS

The Board noted the addition of “temporary” on the registration certificate of temporary auctioneers.

Clete Hansen will check into the reason why there is an apparent void of 500 numbers in the numbering sequence of auctioneer licenses that have been issued.

PRACTICE ISSUE

Sales Taxes – Dealer’s Discount

The Board discussed the August 7, 2000, memo from Clete Hansen relating to the collection of sales taxes and the auctioneer’s two options: 1. Keep the discount given when the auctioneer pays the sales tax on time or, 2. Give the discount to the buyers.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

Richard Lust explained that Wisconsin does cross-reference the names listed in the disciplinary section of The National Auctioneer License Law Officials Association.

RECIPROCITY WITH ARKANSAS

Clete Hansen reported that the Arkansas Auctioneer Board has agreed to a reciprocal agreement with Wisconsin. Mr. Hansen stated that Florida is not interested in an agreement at this time and that he will continue to contact other states.

MOTION: Marie Kohlbeck moved, seconded by Marie Skic-Loy, to approve a reciprocal agreement with Arkansas. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

Bill Dusso reported that the administrative warning procedures are working well.

The Board discussed the procedures for administrative warnings, noting that the contents of the warning are not made public.

NEW BUSINESS

To-Pass Folder

Richard Lust stated that there will be a To-Pass Folder at each meeting which will contain miscellaneous information pertaining to auctioneers.

Clete Hansen explained that the Department website now has information on credential holders, disciplinary orders, and regulatory digests for the last two years for all of the boards.

Mark Shain noted a misprint in the most recent Regulatory Digest in the disciplinary section. He said that, "North Dakota" should be "North Carolina."

PUBLIC COMMENTS

None.

RECESS TO CLOSED SESSION

MOTION: Marie Skic-Loy moved, seconded by Marie Kohlbeck, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of persons licensed by the Department and the investigation of charges against such an auctioneer. Specifically, to deliberate on stipulations, a case closing and the reconsideration of the Conclusions of Law in a previous Final Decision and Order. Motion carried unanimously by a roll call vote: Ronald Bast-yes; Robert Brandau-yes; Marie Kohlbeck-yes; Robert Massart-yes; Marie Skic-Loy-yes; Mark Shain-yes; Richard Lust-yes.

Open Session recessed at 10:12 a.m.

The Board deliberated on stipulations, case closings and the reconsideration of the conclusions of law in a previous Final Decision and Order, relating to Riley R. Kahl.

ADJOURN CLOSED SESSION

MOTION: Ron Bast moved, seconded by Bob Brandau, to adjourn the Closed Session to reconvene in Open Session as publicly announced. Motion carried unanimously.

Closed Session adjourned at 11:03 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSING

99 AUC 012

The Board discussed closing case 99 AUC 012 and recommended issuing an administrative warning.

MOTION: Bob Massart moved, seconded by Mark Shain, to issue an administrative warning stating that the respondent must get registered as a Wisconsin auctioneer and that the advertising must comply with the Board requirements.

The Board amended the motion.

MOTION: Bob Massart moved, seconded by Mark Shain, to issue an administrative warning, stating that the respondent must get registered as a Wisconsin auctioneer and that the advertising must comply with the Board requirements. The Board does grant Richard Lust the authority review and sign the Administrative Warning on the behalf of the Board. Ron Bast did not vote. Motion carried unanimously.

DELIBERATION ON STIPULATIONS OR PROPOSED DISCIPLINARY ACTIONS THAT MAY BE SUBMITTED AFTER PRINTING OF AGENDA

STIPULATIONS

Theodore Fleisner (Theresa, WI)

Paragraph 10 in the Order section of the stipulation was changed to read “subparagraph (8) and (9)” rather than “subparagraph (10).”

MOTION: Mark Shain moved, seconded by Bob Massart, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Theodore Fleisner. Richard Lust did not vote. Motion carried unanimously.

Gene Finz (Albuquerque, NM)

MOTION: Marie Kohlbeck moved, seconded by Bob Massart, to accept the Stipulations, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Gene Finz. Bob Brandau did not vote. Motion carried unanimously.

RECONSIDERATION OF THE CONCLUSIONS OF LAW IN PREVIOUS FINAL DECISION AND ORDER

Riley R. Kahl (Verona, WI)

The Board discussed the removal of “violating” and replacing it with “Assisting Dean K. George, Paul S. George and George Auction Service in their violation of” in paragraph 8 of the Conclusions of Law in the Final Decision and Order, relating to Riley R. Kahl.

MOTION: Bob Massart moved, seconded by Mark Shain, to amend paragraph 8 in the Conclusions of Law in the Final Decision and Order of Riley R. Kahl. Motion carried unanimously.

ADJOURNMENT

MOTION: By consensus, the Board adjourned the meeting at 11:16 a.m.